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POPHAM, JEFFREY D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,692

Applicant(s)

ISHIZUKA ET AL.

Examiner

JEFFREY D. POPHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Remarks

Claim 17 is pending.

Response to Arguments

1. Applicant's arguments filed 5/27/2009 have been fully considered but they are not persuasive.

Applicant argues that the combination does not disclose "a system for maintaining qualification of an operator that uses an authentication recording medium to authenticate an operator to carry out a maintenance operation of a system or device at a work site by inserting the authentication recording medium into a first authentication recording medium read/write device of a terminal for maintenance operation", but provides no basis for such argument. As a brief response, paragraph 95 of Bly, for example, discusses use of an access card with the asset (connection thereof by insertion into the approval device 206 or communication between the card and approval device in some manner, for example, on the asset, as shown in figure 9) in order to authorize the user with respect to the asset. In the combination, this access card corresponds to the smart card of Hobgood. In other embodiments, a magnetic key may correspond to the authentication recording medium or even a memory of the handheld device (since the handheld device is updated via communication with the asset, the asset's communication interface could correspond to an authentication recording medium read/write device in this scenario).

Applicant argues that Bly does not disclose that "the terminal for maintenance operation is connected to a data management server via a mobile terminal and a communication network, and the data management server is connected to a PC for education via a local area network for sending or receiving data". Applicant contends that the present application is directed to a situation in which the terminal for maintenance operation is not directly connected to the data management server. There is no restriction, however, in the claim or the application as originally filed, that the terminal for maintenance operation cannot be directly connected to the data management server. In fact, one interpretation that could be made of the pertinent claim limitation ("said terminal for maintenance operation is connected to said data management server via said mobile terminal and a communication network") is that there are two alternate connection abilities, one being via the mobile terminal and the other being via a communication network. Furthermore, even interpreting this limitation as meaning that the connection must be made from the terminal for maintenance operation through the mobile device, and from the mobile device through a communication network to the server, Bly teaches such. For example, paragraph 85 discusses updating the database using the handheld device after maintenance is completed. Furthermore, paragraph 101 discusses using the handheld device to provide an access point to database. Paragraph 95 discusses the possibility that the asset may not be able to communicate with the remote system. This paragraph further discusses that data may be communicated from the asset to local controller (e.g. a controller on-site with the

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asset), and then from the local controller to remote system 50. As one can see from the above, the asset need not have direct access to the server/database, and the asset can communicate with the remote server/database through the handheld device. Seeing this, as well as the fact that no restriction is put on the claim that prohibits a different connection (e.g. not via the mobile device), one can see that the above limitation is found within Bly.

It is briefly noted that the 112 rejections are not new, but are encompassed by the rejection provided previously, there being too many issues in the claims to specify each one in the previous rejection.

Applicant's amendment, including changing the LAN from connecting the PC for education to the terminal for maintenance operation (previous amendment) to the LAN connecting the PC for education to the data management server (current amendment) has necessitated a new ground of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the

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claimed invention. See MPEP § 2173.05(d). As an example, the final two lines of the first page of the claims recites "data regarding work or operation status such as continuous work time and past quality management data". The phrase "such as" is found 4 times in claim 17, all being found within the same limitation as the one just discussed.

The phrase "the same" appears in the limitations beginning with "said mobile terminal" and "said PC for education". It is unclear what this is referring to. In order to provide proper clarity, "the same" must be amended to recite what "the same" actually refers to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bly (U.S. Patent Application Publication 2002/0087345) in view of Hobgood (U.S. Patent Application Publication 2003/0132283) and Sofia (U.S. Patent Application Publication 2003/0211450).

Bly discloses a system for maintaining qualification of an operator using an authentication recording medium, the system comprising:

An authentication recording medium storing readable identification data and readable/writable skill authentication data (Figures 9 and 10; and Paragraphs 84-85 and 94-98);

A terminal for maintenance operation for managing and maintaining a system or device at a work site by using the authentication recording medium, the terminal for maintenance operation including a first authentication recording medium read/write device cooperable with the authentication recording medium (Figures 9 and 10; and Paragraphs 91 and 94-98);

A mobile terminal including a second authentication recording medium read/write device cooperable with the authentication recording medium (Figures 9 and 10; and Paragraphs 84-85, 105, and 141-143);

A data management server (Figures 9 and 10; and Paragraphs 85, 94-98, and 104); and

A PC for education including a third authentication recording medium read/write device cooperable with the authentication recording medium (Figures 9 and 10; and Paragraphs 94-98, 104, and 154-155);
wherein

The system for maintaining qualification of an operator uses the authentication recording medium to authenticate an operator to carry out a maintenance operation of the system or device at the work site by inserting the authentication recording medium into the first authentication recording medium read/write device of the terminal for maintenance

operation, and in the system for maintaining qualification of an operator the terminal for maintenance operation is connected to the data management server via the mobile terminal and a communication network (Figures 9 and 10; and Paragraphs 85, 91, 94-98, and 101);

The skill authentication data stored in the authentication recording medium includes operation authority for the system or device to be managed/maintained at the work site, operation qualification level, expiration data of operation qualification level, contents of operation record including time, number of times and name of apparatus, data regarding work or operation status such as continuous work time and past quality management data such as operation error (Paragraphs 94-98 and 147-151), and contents to be downloaded to the authentication recording medium includes operation authority for the system or device to be managed/maintained at the work site, operation qualification level, expiration data of operation qualification level, data regarding work or operation status such as continuous work time and past quality management data such as operation error (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151);

The mobile terminal has a function to read the data stored in the authentication recording medium by using the second authentication recording medium read/write device and to send the same to the data management server via the communication network, and a function to additionally record or update data received from the data management

server in the authentication recording medium by using the second authentication recording medium read/write device (Paragraphs 84-85, 94-98, 105, and 141-143);

The data management server includes a database for data regarding work or operation status and a database for quality management data, and has a function to collect and analyze data uploaded to the database, to make operator qualification determinations and to download the qualification level determinations to the authentication recording medium as skill authentication data (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151), and upon receiving urgent operation approval data registered by an administrator, the data management server has a function to download the data via the mobile terminal to the authentication recording medium by using the second authentication recording medium read/write device (Paragraphs 81-83 and 96-97);

The PC for education includes an authentication recording medium data reading/writing application, a work application program, and an educational application program which is a program for educating an operator, and the PC for education has a function to provide educational material for self-learning regarding various operations, and a function to transmit a result of learning performed by an operator to the data management server via the local area network, receive a qualification determination from the data management server via the local area

network, and additionally has a function to record/update the same to the authentication recording medium as skill authentication data by using the third authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 94-98, 104-107, 139-141, 149, and 154-155); and

The terminal for maintenance operation includes an operation application program and an authentication application program for the authentication recording medium, and the terminal for maintenance operation has a function to read data recorded in the authentication recording medium through the first authentication recording medium read/write device, to confirm identification authentication based on identification authentication data, and to authenticate a certain range of operation based on the skill authentication data, and after performing a maintenance operation, the terminal for maintenance operation has a function to log the contents of an operation record by an operator and to store the contents of the operation record in the authentication recording medium by using the first authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 91 and 94-98);

But does not appear to explicitly disclose that the authentication recording medium is a card in all instances, or that the data management server is connected to the PC for education via a local area network for sending or receiving data.

Hobgood, however, discloses an authentication recording medium, being a smartcard, storing readable identification data and

readable/writable skill authentication data that is inserted into authentication recording medium read/write devices in various devices in order to read and write the data stored on the authentication recording medium (Abstract; and Paragraphs 13-16 and 20). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the smart card training system of Hobgood into the training/certification tracking system of Bly in order to allow the system to provide simulations during training, such that an operator can more clearly see precisely what the operator should do upon encountering the situation for which the operator is trained, thereby resulting in more accurate training and performance.

Sofia, however, discloses that the data management server is connected to the PC for education via a local area network for sending or receiving data (Figure 3a, numeral 66; and Paragraphs 16 and 35). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the self-paced training system of Sofia into the training/certification tracking system of Bly as modified by Hobgood in order to allow for training to proceed in such a manner as to allow each trainee to spend as much time in each portion of training as is necessary, thereby allowing training to be more beneficial by catering what training and simulation is provided and for how long to each individual trainee, and/or to allow for self-training to occur even in a local

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environment, thereby freeing instructor time to be used when there is an issue that the automated training/simulation cannot properly respond to.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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